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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-seventh session

SUMMARY RECORD OF THE 1418th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 11 August 2000, at 10 a.m.

Chairman: Mr. SHERIFIS

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GE.00-43944 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Thirteenth and fourteenth periodic reports of Sweden (CERD/C/362/Add.5- HRI/CORE/1/Add.4) (continued)

1. At the invitation of the Chairman, the members of the delegation of Sweden resumed their places at the Committee table.

2. Mr. MAGNUSON (Sweden), replying to the Committee's questions and comments about paragraph 33 of his country's report, confirmed that no distinctions were made in official statistics on grounds of ethnic origin, although there were statistics showing the number of foreigners living in the country by nationality. It should be borne in mind, however, that after five years' residence foreigners were able to obtain Swedish nationality, which meant that thereafter their national background no longer appeared in official statistics. Sweden did not intend to change its position as set out in that paragraph and was pleased to note the comments made by Mr. Aboul-Nasr on the subject.

3. Responding to Mr. de Gouttes, he said that the dualistic tradition relating to the status of international treaties in Sweden did not entail a risk that the country would not live up to its international obligations. Prior to the ratification of international agreements, including the Convention, a thorough analysis was conducted as to whether the obligations in question required a change in domestic legislation or the introduction of new laws.

4. With regard to the Samis, Sweden had recently ratified the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages and the relevant legislation had now entered into force. The use of the Sami language in courts and administrative affairs was restricted to the five most northerly municipalities in Sweden. Similarly, the use of Finnish was limited to four municipalities. Those were the areas where the languages in question had established roots and were widely spoken. There were some other areas where the Sami language and reindeer husbandry were practised, but only by very few people. Indeed, the most southerly Sami dialects were on the brink of extinction, which was regrettable from the point of view of cultural diversity.

5. With reference to Sami land rights, a summary in English had been distributed concerning the latest official inquiry regarding the possibility of ratifying International Labour Organization (ILO) Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169, 1989) together with a map in Swedish of the Sami villages located throughout the country. Those villages constituted administrative units rather than physical entities. In fact, most Samis lived in ordinary communities. The possible ratification of ILO Convention No. 169 affected territories covering approximately one third of the whole country, although it was difficult to define the exact area where reindeer husbandry was practised. The possibility of introducing legislation or making changes so as to maintain an economically and culturally sustainable form of such husbandry was currently under study. Approximately 2,000 people were engaged in that activity, but not the majority of Samis.

6. The privatization process under way would not erode land rights for the practice of reindeer husbandry. In accordance with a Supreme Court judgement, Samis had the right to use both private and government land, by virtue of a right of usufruct, or servitude, protected by law, on the land in question. If the land were used so as to impair that servitude, the Sami village in the area in question was entitled to compensation, which had in fact been granted in a number of cases over the years. In general terms, Samis had the same land ownership rights as all other people. Likewise, Samis were not deprived of hunting and fishing rights on land belonging to others; they merely shared those rights with others according to the needs of reindeer husbandry. As to the provision of legal aid in disputes concerning the right to traditional winter pastures, the Government had allocated funds to the Sami Foundation, which would enable Sami villagers as legal persons to pursue those disputes. On the whole, a large amount of legislation relating to Samis existed, contrary to what had been stated by Mr. Diaconu.

7. In relation to the Living History Project, the message put out by the Stockholm International Forum on the Holocaust was that societies could not tolerate racism or xenophobia. The idea for the Project had been proposed by the Swedish Prime Minister in response to a study which had shown that very few Swedish schoolchildren were aware of the Holocaust. A booklet had been issued as part of the general government campaign to combat racism, intolerance and neo-Nazism. Similar initiatives by other States should be encouraged by the Committee.

8. Regarding the position of the Swedish Government on draft Protocol No. 12 to the European Convention on Human Rights, Sweden had abstained from casting a vote on the draft protocol at a meeting of the Council of Europe Steering Committee for Human Rights for several reasons. Among them were doubts about the efficiency and scope of the instrument, which should have contained more precise provisions covering the most frequently affected areas, and failed, in the operative paragraphs, to mention positive measures to promote equality between different groups. Moreover, it was unclear to what extent Contracting States would be held liable by individuals. Finally, an expansion of the complaints mechanism would only add to the European Court of Human Rights' already very heavy workload.

9. The Swedish Delegation on Indigenous People had been set up to publicize the General Assembly's decision to declare the 1990s the International Decade of the World's Indigenous People. The Delegation had been mandated to take initiatives aimed at promoting greater understanding of the lives and affairs of indigenous populations, and had notably taken measures to encourage greater recognition of the education of Samis and the situation of Sami women and youth.

10. Swedish asylum policy was the focus of a debate in the national media. The various political parties had different views as to whether the policy was restrictive or not. In fact, Sweden had one of the highest numbers of asylum-seekers in Europe, currently around 12,000 to 13,000. The figure had decreased since the beginning of the 1990s, when the country had been faced by an influx of refugees from the former Yugoslavia. There was an ongoing process to monitor legislation on the asylum process, in close cooperation with the United Nations High Commissioner for Refugees (UNHCR). Sweden was one of the few countries with a refugee quota, enabling people to be brought to the country from refugee camps all over the world.

11. Ms. LINDELÖR (Sweden) said that her Government had maintained a constant position on the question of banning certain organizations. In accordance with the Penal Code, agitation against ethnic groups with a racist or xenophobic motive constituted a crime. Similarly, the dissemination, even within small groups, of messages with racist content was forbidden. In that sense, all activity of a racist nature per se was prohibited.

12. There was an ongoing debate on the possibility of introducing a ban on organizations involved in such activities. A widely-held view was that such a ban would generate more publicity for such groups and lead to an increase in their membership, thus giving the general public a false impression of the groups. The question whether a ban would infringe the principle of freedom of association had also been raised. In countries where cases had been tried in relation to such a ban, and the organizations concerned had been found not to be racist, it had been easy for the public to consider the organizations to be legitimate and for them to be accepted by society. After a parliamentary debate on a recent case, in which a trade unionist had been killed by three neo-Nazi youths, the political consensus reached had been that a ban should not be introduced. Nevertheless, aware as the Government was of the problem, a parliamentary committee had been set up to consider whether indirect participation in such organizations, in the form of financing or the letting of premises, should be penalized, and whether the provision of the Penal Code relating to agitation against ethnic groups was sufficient to prevent the organizations perpetrating such agitation from functioning. The scale of penalties against agitation was also being reviewed. In addition, agitation against ethnic groups was a crime under the Freedom of the Press Act and the Fundamental Law on Freedom of Expression. Under those Acts, a time limit of one year from the moment when the product in question was disseminated was imposed for the purposes of prosecution. Since it was very difficult to determine when the period in question began, the Government had set up a special committee to review the matter, which would operate until 31 December 2000.

13. The civil servant appointed to the post of Chancellor of Justice acted as prosecutor in cases of agitation against ethnic groups brought under the Fundamental Law on Freedom of Expression and the Freedom of Expression Act. If the case was found not to fall within those laws, the Prosecutor General would be responsible for prosecution under the Penal Code.

14. The relevant provisions of the Penal Code were frequently invoked in cases where the motive was proven to be racist. National or ethnic motivation for a crime committed against a person was considered an aggravating circumstance. The Prosecutor General had recommended that all prosecutors should refer to those provisions in the application for a summons for prosecution. Similarly, the national courts administration was considering whether it should be mandatory for a provision to be cited in court judgements. Such a move would lead to the production of enhanced statistics on the matter.

15. A great deal of publicity had been given to unlawful discrimination in the previous two years, in particular concerning admission to public places such as restaurants and discotheques. The Prosecutor General had made specific recommendations on the handling of such cases so as to improve the investigative methods used, in particular by police officers. The National Police Board had produced a manual on the methods to be used in investigating cases of racist and xenophobic violence, which included requirements for close cooperation between the different bodies and careful planning. Ninety cases of unlawful discrimination had been investigated

in 1998. The Stockholm Office of Public Prosecution had considered the issue of unlawful discrimination and had concluded that the standard of proof upheld by courts was extremely high. In general terms, it was very difficult to prove that the fact that victims of unlawful discrimination belonged to particular ethnic groups was the reason for the discrimination to which they were subject. A committee of inquiry on unlawful discrimination had been set up by the Government to review the relevant provisions of the Penal Code and their application and to consider specific issues such as insurance, the possibility of obtaining credits and housing. It was also considering whether discrimination should be made unlawful on the grounds of the race of a person connected to the victim in some way, was studying the question of intent, and was examining whether civil regulations would be more effective than the Penal Code in cases of unlawful discrimination. The issues under consideration required investigation in accordance with a European Union directive relating to race and ethnicity.

16. With reference to compensation in cases of unlawful discrimination, damages could be awarded in criminal cases by the presiding judges. Statistics were currently being compiled on compensation for racist and xenophobic crimes. It was difficult to ascertain the reason for the reported rise in such crimes, but research was being conducted into the phenomenon. The proposals of a working group on racist violence had raised awareness within the judicial system of the need for further training for police officers, the prosecution service and court officials, and such training programmes now existed.

17. With regard to the 1996 Supreme Court ruling concerning a youth found guilty of wearing Nazi symbols in public, it had been decided that the youth had expressed contempt for all ethnic groups apart from the Nordic one. The racist articles published in four daily newspapers had been widely criticized, although in general terms it was difficult to determine what the consequences of such articles were. The names and photographs of people convicted of racist crimes had been published, along with that of a suspect in the case, although to her knowledge that suspicion had not led to a trial. With reference to Ms. Zou Deci's question about the crime committed against a well-known journalist, no one had as yet been apprehended. The Swedish delegation strongly disagreed with the contention that Swedish courts punished the victims rather than the offenders in cases of racist crime.

18. With regard to the number of foreigners in Swedish prisons, on 1 October 1999 non-Swedish citizens constituted 26 per cent of the total prison population, a figure similar to that recorded for 1998.

19. Mr. LINDQVIST (Sweden) said that the Government shared the Committee's concern about the situation of the Roma but it was difficult to provide more detail on that situation and on the Government's efforts to ensure their integration. One reason was that information about ethnic origin was not registered and the Government tended to concentrate on improving the situation of individuals rather than groups. He referred Committee members to the report on the situation of the Roma in Sweden which had been distributed to them and stressed that integration initiatives were under way in most municipalities and in broader areas such as the labour market and the health sector and efforts were being made to promote Roma culture and language, within the framework of the national integration policy.

20. There were four criteria for defining an official national minority: a sense of affinity or belonging; religious, linguistic, traditional or cultural factors which distinguished a group from the majority; self-identification, or the will as a group or as an individual to maintain that identity; and a history of long-lasting ties with Sweden. In general, the Government was very flexible and open when requested to provide support for initiatives aimed at promoting minority groups.

21. With regard to migration flows, he said that between 1990 and 1999, 430,000 residence permits had been granted: 188,000 to non-Nordic Europeans, 43,000 to Africans (including 16,000 Somalis), 20,000 to Latin Americans and 138,000 to Asians (including 43,000 Iraqis, 23,000 Iranians and 15,000 Turks). It was, however, difficult to say whether those groups as a whole were marginalized, since educational levels and socio-economic factors were more important than national or ethnic origin in determining a person's situation in Sweden.

22. He acknowledged that more information should have been included in the report on the crucial role played by the Ombudsman against Ethnic Discrimination. That office had received a 40 per cent increase in its budget in the most recent fiscal year, in part because of its increased responsibilities relating to the labour market under the new Ethnic Discrimination Ombudsman Act of May 1999. He noted the concerns raised in non-governmental organization (NGO) reports that the Ombudsman was not ensuring that employers complied with the provisions of the new Countering Ethnic Discrimination in Working Life Act. The Ombudsman had been of the opinion, however, that if forced to comply immediately employers would have had to adopt superficial, short-term policies and it had therefore been decided that, for the first year, priority would be given to informing employers of their new obligations so that they could adopt more long-term strategies. The Ombudsman intended to be more active in ensuring compliance in the future and seemed confident that the new Act would make employers more aware of the dangers of discrimination and protect the rights of all, including immigrants. Although there was some overlap between the competencies of the Ombudsman and the National Integration Office, discussions were under way to define their respective mandates more clearly, with the Ombudsman dealing more particularly with individual cases and the Integration Office dealing with the modification of existing structures in society which tended to induce discrimination.

23. Regarding follow-up to the Government's national minorities policy, the Government was approaching the issue with an open mind and a willingness to make whatever changes needed. Referring to a letter sent to the Committee by the Sami Council regarding a lack of adequate financing for that policy, he stressed that the Government firmly intended to address any outstanding issues in due time.

24. Turning to the question of participation rates in local elections, he recalled that since 1976 foreigners with three years' residency had had the right to vote. Unfortunately, the participation rate for immigrants had been dropping, and currently stood at 35 per cent, reflecting a general trend among the Swedish population towards decreased participation. Factors such as age, sex, origin, location and socio-economic situation tended to influence participation rates and the Government hoped that ongoing in-depth analysis of those factors would enable it to take measures to increase those rates for the general population as well as minorities.

25. With regard to the new national integration policy, he referred Committee members to the fact sheet on "Sweden, the Future and Diversity" which had been distributed to them. The Government saw ethnic and cultural diversity as a point of departure for the development of general policies and their implementation in all sectors of society. Government agencies were currently studying how the new integration policy would affect immigrants and national minorities and a number of steps had been taken to promote integration: the National Integration Office was responsible for ensuring implementation of policies at all levels of society, the Countering Ethnic Discrimination in Working Life Act banned discrimination and required employers to promote ethnic diversity in the workplace, integration policies were being mainstreamed at all levels of Government using the experience gained in gender mainstreaming, and a Metropolitan Development Policy had been implemented. The latter had been created because most immigrants tended to be concentrated in urban areas where there were higher levels of unemployment, social assistance and crime. Whereas in the past there had been a tendency to develop stopgap projects which had little effect on the long-term situation, the new policy focused on processes and a bottom-up approach involving minorities and immigrants in defining their needs and making recommendations to the Government which were then included in formal local development agreements between municipal authorities and the federal Government, with fund-sharing arrangements for the ensuing initiatives. The Government had allocated 2.1 billion Swedish kronor for such initiatives in the current year.

26. There was no easy answer to the situation of "travellers". There were currently approximately 20,000 travellers in Sweden; like the Roma, they had arrived in Sweden some 400-500 years previously, and their language was also similar to the Roma language.

27. Mr. ABOUL-NASR said he wished to clarify the question he had raised concerning the international conference on the Holocaust referred to in paragraph 98 of the report (CERD/C/362/Add.5). He welcomed the holding of the conference, but wondered whether equal attention was given in schools to other crimes against humanity and other genocides which had occurred, such as crimes against the indigenous peoples in the Americas or against Afro-Americans during the slave-trade period.

28. Mr. RECHETOV asked if the delegation could explain the use of the term "unlawful discrimination", since it implied that Swedish law recognized "lawful discrimination"; that would be in violation of the Convention, which called for the elimination of all forms of racial discrimination.

29. Mr. DIACONU acknowledged that Sami land rights had to some extent been recognized, including the right to use the land for the ancient practice of reindeer husbandry, but there were still problems of conflict between Sami land rights and the land rights of other groups; indeed, the rules regarding Sami land rights were the main obstacle to Sweden's ratification of ILO Convention No. 169. It was essential for the boundaries of Sami lands to be clearly identified and the scope of their hunting and fishing rights on their traditional lands clarified. Currently Sami land rights did not seem to be adequately guaranteed or at least adequately enforced, as had also been stated in reports by NGOs.

30. Ms. JANUARY-BARDILL noted that the State party's position on social issues was often exemplary and much information had been provided on the socio-cultural integration of immigrants. She was concerned, however, that rather less had been said about the political integration of minorities and immigrants into the decision-making structures of the Government and requested more information on their participation in government and decision-making at the local and provincial levels, and in particular at the national level.

31. Mr. BOSSUYT asked whether the residence permits that had been issued over the previous decade had been issued to persons who had received them before emigrating or to illegal immigrants who had then received them.

32. Mr. MAGNUSON (Sweden) said that admittedly the Sami land rights question was a complicated one in a rule-of-law society. In relation to such special rights, the Government must carefully analyse whether it could live up to the provisions of ILO Convention No. 169. Norway, for instance, a signatory of that Convention, had been criticized for its interpretation of the term "ownership" as against "usufruct".

33. Sweden had a long tradition of restricting immigration. Immigrants were seldom job-seekers; the vast majority were asylum-seekers coming without prior residence permits and, once they were established, their families generally joined them. Immigration to Sweden by nationals of the European Union and of course of the Nordic countries was unrestricted.

34. Ms. LINDELÖR (Sweden) said she agreed that the term "unlawful discrimination" was infelicitous, but that was the exact term used in the Penal Code to define the specific criminal act of discrimination. It did, however, cover all aspects of racial discrimination, and therefore involved no exclusionary intention.

35. Responding to a question asked the previous day, she said that 14 per cent of the candidates to the National Police Academy had come from ethnic minorities in 1999.

36. The CHAIRMAN suggested that the Government might consider amending the term "unlawful discrimination" in its Penal Code in order to avoid having it misconstrued.

37. Mr. LINDQVIST (Sweden), agreeing that political integration of minorities was equally important, observed that the longer an immigrant or a member of a minority stayed in Sweden, the higher the degree of participation in public life. The Government, feeling that much had to be done to increase such participation, had taken a number of steps: it was preparing a report on why immigrants had such a low turnout at elections and why they did not stand for election. It had adopted an action plan for ethnic diversity in all ministries, the aim being to reflect the country's ethnic diversity at every level of the Government. It was, finally, intending to establish a major commission to analyse the distribution of power and the uneven influence over the political process as between ethnic Swedes and the minority groups, and to put forward proposals to encourage the political integration of minorities.

38. Mr. MAGNUSON (Sweden), referring to the official attention paid to genocides other than the Holocaust, said that Sweden had been very involved in supporting anti-apartheid activities and the subject had been taught in schools. The Government's whole aim was to foster tolerance and fight racism by enlightening schoolchildren and the public about atrocities that had been committed elsewhere in the world and in other historical periods. There was no need for concern on that account.

39. Mr. de GOUTTES (Country Rapporteur) said that the quality of the dialogue with the delegation had as usual borne out Sweden's reputation for high standards in protecting human rights. Despite its traditional tolerance and openness, Sweden, like the other Scandinavian countries, had been struck by a rising tide of xenophobia among the population, together with a more violent strain of racism promulgated by small groups of young white supremacists. Since the presumed economic root causes no longer existed to such an extent, it might be assumed that the likely cause lay in the gap between economic change for the better and a change in the mentality that had prevailed in bad economic times. That was where the role of education and the media came into play.

40. His first recommendation would be that the Government must be especially firm and vigilant in stamping out racist acts, incitement to racism and any form of discrimination in everyday life. As to the dissemination of racist ideas, freedom of expression did not enter into it; racism was not a matter of opinion, it was a crime that directly jeopardized the public interest, even when only a small group of people was involved. The Committee would await with interest further information and statistics regarding action taken by the police and the courts on such matters.

41. He also suggested that the Government should give fuller statistics on demographic composition and on the social, economic and cultural indicators that would enable the Committee to assess the integration and improved status of disadvantaged groups like the Sami, the Roma, the Finns and immigrant groups. Further information would also be appreciated regarding efforts to implement article 4 fully, especially in combating racist organizations. The Government was encouraged to publicize the Convention as widely as possible and to cooperate closely with NGOs in the country, if possible involving them in the preparation of periodic reports.

42. The CHAIRMAN expressed appreciation for the frank, constructive dialogue. Sweden's standards were high and its commitment was clear. The Committee looked forward to receiving Sweden's next periodic report.

43. Mr. MAGNUSON (Sweden) said that it was always a pleasure to see the Committee's interest in his Government's efforts to comply with the Convention, to which it was very seriously committed. The delegation was grateful for the Committee's scrutiny, and its recommendations and comments would be studied carefully.

44. The delegation of Sweden withdrew.

Draft concluding observations concerning the initial, second and third periodic reports of Slovakia (CERD/C/57/Misc.20/Rev.2; future CERD/C/57/CRP...)

45. Mr. PILLAI (Country Rapporteur), introducing the draft concluding observations, said that the draft incorporated changes proposed by other Committee members. The length of the text was due to the fact that the report under consideration was an initial report.

46. Mr. ABOUL-NASR, noting that the question of the Roma minority was addressed in no less than 10 of the draft's paragraphs, suggested condensing some of those paragraphs.

47. Mr. PILLAI (Country Rapporteur) pointed out that a good portion of the report and the discussion had in fact focused on the situation of the Roma. He was open to suggestions on ways of condensing the text.

48. The CHAIRMAN invited the Committee members to consider the draft concluding observations paragraph by paragraph.

Paragraphs 1 to 7

49. Paragraphs 1 to 7 were adopted, subject to minor editorial changes in paragraphs 2 and 6.

Paragraph 8

50. Mr. ABOUL-NASR, observing that there was no requirement for States parties to engage in self-critical assessments when submitting their reports, and that very few actually did, asked whether it was appropriate to regret the absence of such an assessment.

51. Mr. DIACONU proposed that the paragraph should be shortened by deleting "relating to the implementation of the Convention" and "a self-critical assessment of the situation of discrimination in the State party, as well as" from the first sentence. The last sentence too should be deleted.

52. Mr. PILLAI (Country Rapporteur) supported the amendments proposed by Mr. Diaconu, which had the merit of addressing the concerns of Mr. Aboul-Nasr.

53. Paragraph 8, as amended, was adopted.

Paragraphs 9 and 10

54. Mr. BOSSUYT, noting that the racial segregation that existed in Slovakia was not imposed by the Government, proposed that the words "de facto" should be inserted before "racial discrimination" in the first line of paragraph 9.

55. Mr. RECHETOV proposed that the first sentence of that paragraph should read "The Committee is concerned about settlement patterns in respect of the Roma minority". The statement to the effect that racial discrimination existed was somewhat clumsy. He proposed that paragraph 9 should be made longer, with the deletion of paragraph 10.

56. Mr. PILLAI (Country Rapporteur) said that it was important to maintain the substance of paragraph 10, which referred to concrete cases.

57. Mr. DIACONU said he considered that it would be excessive for two entire paragraphs of the concluding observations to be devoted to the subject of segregation. He proposed that paragraphs 9 and 10 should be merged to read: "The Committee is concerned about settlement patterns in respect of the Roma minority, and in particular about reports concerning two municipalities which have issued decrees banning the Roma from their territory, and about the length of the proceedings undertaken to lift those decrees. The Committee recommends that the State party review legislation regulating local residence permits and investigate promptly and thoroughly incidents of housing discrimination. The Committee invites the State party to monitor trends which give rise to racial segregation, and to give speedy consideration to such cases and indicate its findings in subsequent reports."

58. Mr. PILLAI (Country Rapporteur) said that he had no objection to combining the two paragraphs.

59. The CHAIRMAN invited Mr. Diaconu to submit his proposed amendment to paragraphs 9 and 10 in writing at the next meeting.

Paragraph 11

60. Mr. ABOUL-NASR inquired whether the use of the term "skinhead" was accepted by members of such groups.

61. Mr. PILLAI (Country Rapporteur) said that the term was widely used among members of such groups, and that it had been employed in the State party's report.

62. Mr. de GOUTTES suggested that the term "skinhead" should be placed in quotation marks in the French version.

63. Paragraph 11 was adopted.

Paragraph 12

64. Paragraph 12 was adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

65. The CHAIRMAN informed the Committee that the Chief of Administration a.i. of the Office of the United Nations High Commissioner for Human Rights, who had been scheduled to attend the Committee's next meeting, would instead prefer to meet the Chairman privately in the afternoon. He asked all members who had experienced problems with the payment of terminal expenses or other financial arrangements to inform him of such difficulties in writing in advance of that meeting. He took it that the Committee wished to authorize his informal meeting with the official in question to discuss such matters.

66. It was so decided.

The meeting rose at 1 p.m.

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Fifty-seventh session

SUMMARY RECORD OF THE 1419th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 11 August 2000, at 3 p.m.

Chairman: Mr. SHERIFIS
later: Mr. FALL

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CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Draft concluding observations concerning the initial to third periodic reports of Slovakia (continued)

Draft concluding observations concerning the third and fourth periodic reports of the Czech Republic

Draft concluding observations concerning the fourteenth periodic report of Nepal

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GE.00-43975 (EXT)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Draft concluding observations concerning the initial to third periodic reports of Slovakia (continued) (CERD/C/57/Misc.20/Rev.2, circulated in English only)

New paragraph 9

1. The CHAIRMAN recalled that the Committee had asked Mr. Diaconu to submit to it for adoption the text of a new paragraph 9, merging original paragraphs 9 and 10, on which the Committee had reached consensus during the initial consideration of the draft.

2. Mr. DIACONU introduced a new text in English under which the Committee would express its concern about settlement patterns with regard to the Roma minority, particularly about the fact that two municipalities had issued decrees banning Roma from their territory and about the duration of proceedings to lift them. The Committee would recommend the State party to review legislation regulating local residence permits, to investigate promptly and thoroughly incidents of discrimination in access to housing and to give speedy consideration to these issues. The Committee would invite the State party to monitor trends which gave rise to racial segregation and indicate its findings in subsequent reports.

3. Mr. PILLAI (Country Rapporteur) endorsed Mr. Diaconu's new text.

4. New paragraph 9 was adopted.

Paragraph 12

5. Mr. PILLAI (Country Rapporteur) proposed that the second sentence should be deleted.

6. Paragraph 12, as amended, was adopted.

Paragraph 13

7. Mr. ABOUL-NASR observed that the second sentence might give the impression that the low school enrolment of Roma children was due primarily to the fact that their parents were not aware of the importance of schooling, whereas it was undoubtedly above all the deplorable economic situation of Roma that prevented them from sending their children to school regularly.

8. Ms. ZOU said that she also believed that Roma parents were not unaware of the importance of learning, as the text implied. She thought rather that Roma children refused to go to school because of the discrimination they found there and that their parents did not force them to do so because they knew that schooling would be of no use to them in finding a job later on because the society discriminated against Roma.

9. Mr. VALENCIA RODRIGUEZ said that the Committee should not specifically emphasize that Roma parents should be made aware of the importance of education, but that it could make a recommendation reaffirming the importance of regular schooling for Roma children.

10. Mr. de GOUTTES said that one way to satisfy Ms. Zou and Mr. Valencia Rodriguez would be simply to reverse the order of the second sentence: the Committee would first recommend that the State party should continue efforts to develop and expand strategies to facilitate the integration of minority pupils into mainstream education and, then that it should educate parents as to the importance of continued schooling.

11. The CHAIRMAN said he took it that the members of the Committee wished to accept the solution proposed by Mr. de Gouttes and to have Mr. Pillai redraft the text accordingly.

12. It was so decided.

Paragraph 14

13. Mr. RECHETOV said that he was not satisfied with the expression "poor skill levels and low levels of education" in the second line.

14. The CHAIRMAN proposed replacing those words with the phrase "inadequate levels of education".

15. Paragraph 14, as amended, was adopted.

Paragraph 15

16. Mr. RECHETOV said that he found the two parts of the first sentence contradictory, because the Committee could not first welcome Slovakia's adoption of a law prohibiting discriminatory vacancy announcements and then immediately say that it was concerned at the absence of legislation expressly prohibiting discrimination in employment. The Committee could simply invite the State party to strengthen and expand its legislation prohibiting discrimination in employment.

17. Mr. ABOUL-NASR said that he did not see why the Committee should make recommendations to Slovakia about only one of the rights set out in article 5 of the Convention while disregarding the others. He felt that it would be preferable to invite the Government to adopt all necessary legislative measures with a view to eliminating discrimination in each of the social sectors referred to in article 5.

18. Mr. FALL proposed, accordingly, a briefer text under which the Committee would recommend that the State party should ensure that legislation expressly prohibiting discrimination in employment was promulgated and should take all necessary steps to eliminate any discrimination in employment.

19. The CHAIRMAN said he took it that the Committee approved the text proposed by Mr. Fall and wished to have Mr. Pillai redraft paragraph 15 accordingly.

20. It was so decided.

21. Ms. McDOUGALL proposed, for the sake of logic, reversing paragraphs 14 and 15, both of which had to do with employment.

22. It was so decided.

Paragraph 17

23. Mr. ABOUL-NASR said he was afraid that, by encouraging the Slovak Government to issue refugee identity cards with a validity of five years, the Committee would create a binding precedent in regard to all States parties which hosted refugees.

24. Mr. FALL, associating himself with Mr. ABOUL-NASR, said he did not believe that the Committee should dictate the behaviour of States parties regarding the issuance of identity documents to refugees. It should merely encourage them to take adequate measures to host refugees in acceptable conditions.

25. The CHAIRMAN stressed that the ultimate aim of host States was to enable refugees to return voluntarily and in safety to their countries of origin.

26. Mr. RECHETOV said he was not satisfied with the text, which he felt constituted interference in Slovakia's internal policy on hosting refugees in its territory. He therefore proposed that the paragraph should be either deleted or redrafted in extremely general terms.

27. After a discussion in which Ms. McDOUGALL, Mr. FALL, Mr. ABOUL-NASR, Mr. PILLAI, Mr. DIACONU, Mr. SHAHI and Mr. RECHETOV took part, the CHAIRMAN proposed the deletion of the paragraph.

28. It was so decided.

Paragraph 18

29. Paragraph 18 was adopted.

Paragraphs 19-21

30. Paragraphs 19-21 were adopted.

Paragraph 22

31. Mr. BRYDE proposed that the Committee should request the State party to submit its fourth and fifth periodic reports together in a single document by 2002.

32. Mr. de GOUTTES said he did not believe that such an amendment would present any problem. The Office of the High Commissioner for Human Rights had pointed out in a document transmitted to the members of the Committee that, if all States submitted their reports within the time limits provided for in the conventions to which they were signatories, the monitoring committees would be inundated. It was therefore essential to be realistic and avoid being too insistent on dates which, if respected, would render the Committee's task impossible. Consequently, it served no purpose to state that the next report of the Slovak Republic was due in May 2000. Instead, it would be quite adequate to express to the State party the Committee's hope that its next periodic report would contain up-to-date information on the status of the implementation of the Convention.

33. Ms. ZOU, while supporting the view expressed by Mr. de GOUTTES, said that if the draft concluding observations were no longer to contain any reference to the precise date for submission of the next report, the Committee would be obliged to follow suit in the case of all other States parties.

34. The CHAIRMAN proposed amending the paragraph to indicate that the State party should include up-to-date information when submitting its next report to the Committee.

35. Mr. BRYDE proposed that Slovakia should be requested to submit its next report, which had been due in May 2000, at the same time as its fifth periodic report, namely in 2002.

36. Mr. PILLAI believed that if such a proposal were adopted, the Committee would find itself in the position of no longer being able to assert that States were required to submit their reports on firmly established dates.

37. Mr. de GOUTTES supported the Chairman's proposal that the scheduled date would be the actual date of submission of the report by the State party, a practice which created no conflict and was even consistent with article 9 of the Convention, which did not specify whether the report should be a written report or an oral presentation accompanied by an updated report.

38. Mr. ABOUL-NASR proposed deletion of the reference to the date of 28 May 2000 and adoption of the paragraph accordingly.

39. The CHAIRMAN proposed that paragraph 22 should be adopted without the words "which was due on 28 May 2000".

40. It was so decided.

41. The draft concluding observations of the Committee concerning the Slovak Republic as a whole, as orally amended, were adopted.

Draft concluding observations concerning the Czech Republic (CERD/C/27/Misc.22/Rev.2, circulated in English only)

Paragraph 1

42. Paragraph 1 was adopted.

Paragraph 2

43. After a discussion in which Mr. RECHETOV, Mr. VALENCIA RODRIGUEZ, Mr. BOSSUYT, Mr. FALL and the CHAIRMAN took part, it was decided that the second sentence of paragraph 2 should be deleted.

44. Paragraph 2, as amended, was adopted.

Paragraph 3

45. Paragraph 3 was adopted, subject to editorial amendments.

Paragraph 4

46. Ms. JANUARY-BARDILL proposed the deletion of the phrase "the enactment of" from the first sentence.

47. The proposal was adopted.

48. Mr. de GOUTTES emphasized that the paragraph dealt with a relatively specific point and should therefore appear after paragraph 6, which was more general in nature. The other paragraphs would then be renumbered accordingly.

49. The proposal was adopted.

50. Paragraph 4, as amended, was adopted.

Paragraphs 5-8

51. Paragraphs 5-8 were adopted.

Paragraph 9

52. Mr. RECHETOV said he did not think that the word "emancipation" contained in the last sentence was the term appropriate to the situation of the Roma in the State party.

53. Ms. McDOUGALL, supported by Ms. JANUARY-BARDILL, pointed out that the term was used in the report of the Czech Republic and conveyed an idea that it would be unfortunate to water down. She proposed placing it between quotation marks.

54. Mr. DIACONU, noting that the term "emancipation" evoked the emancipation from serfdom in the nineteenth century, suggested replacing it with the words "social integration".

55. Mr. PILLAI suggested the phrase "social and political integration", since the integration of the Roma minority should also be political.

56. Mr. BOSSUYT said that it was a delicate matter to introduce the idea of political integration, he would therefore prefer to refer only to social integration.

57. Mr. ABOUL-NASR said he was not in favour of any reference to integration, as he questioned whether the Roma desired such integration and therefore saw no need to amend the paragraph.

58. Mr. de GOUTTES suggested that the problem could be avoided by simply stating: "especially measures designed to eliminate their social exclusion".

59. Mr. FALL, pointing out that paragraph 9 covered housing, education and employment, and hence social affairs, said that it was appropriate to refer to social integration.

60. Mr. SHAHI thought that the expression "eliminate their social exclusion" had a stronger meaning than "promote their social integration" and was therefore preferable.

61. Paragraph 9, as orally amended in accordance with the proposal of Mr. de Gouttes, was adopted.

Paragraph 10

62. Mr. FALL proposed that the words "when appropriate" should be deleted from the last sentence, as he thought that they slightly deleted the Committee's recommendation.

63. Paragraph 10, as orally amended, was adopted.

Paragraph 11

64. Mr. RECHETOV suggested replacing "open racism" with "straightforward racism", "incitement of racial hatred" with "incitement to racial hatred" and "dismantled" with "prohibited".

65. The CHAIRMAN said he saw no objection to the last two proposals of Mr. Rechetov. In regard to the first proposal, he suggested the use of "racism" alone, without the addition of any qualifying adjective.

66. Mr. BOSSUYT proposed redrafting the last sentence to read: "organizations whose members openly promote xenophobia and racism".

67. The CHAIRMAN said that, whether or not openly advocated, racism was to be condemned.

68. Mr. ABOUL-NASR said that the racism being punished was the type expressed in acts that were perpetrated openly.

69. Mr. de GOUTTES believed that the use of the term "promotion", which encompassed the idea of machinations, would meet the concern expressed by Mr. Aboul-Nasr. In his view, the qualifying word "open" could be deleted.

70. The CHAIRMAN noted no objections.

71. Mr. SHAHI proposed the deletion of the word "type" in the last sentence.

72. Paragraph 11, as orally amended, was adopted.

Paragraph 12

73. Mr. RECHETOV said he did not understand the reference made in the final phrase of the second sentence, which read "many of which may not be reported".

74. Mr. de GOUTTES said that the referrence was to unrecorded cases.

75. Mr. RECHETOV said he would therefore propose the phrase "many of which may not even be reported".

76. Mr. de GOUTTES wondered whether it was necessary to introduce the second sentence with the word "Nevertheless".

77. Mr. BOSSUYT proposed combining the first two sentences by using the phrase: "While noting the information..., the Committee is concerned...".

78. Paragraph 12, as orally amended in accordance with the proposals of Mr. Rechetov and Mr. Bossuyt, was adopted.

Paragraph 13

79. Mr. RECHETOV, in the interests of consistency with the provisions of the Convention, proposed replacing the phrase "without any type of discrimination" in the second sentence with the phrase "without any form of discrimination".

80. Paragraph 13, as orally amended, was adopted.

Paragraphs 14-18

81. Paragraphs 14-18 were adopted without amendment.

82. The draft concluding observations of the Committee concerning the Czech Republic as a whole, as amended, were adopted.

Draft concluding observations concerning the fourteenth periodic report of Nepal (CERD/C/37/Misc.23/Rev.1, circulated in English only)

Paragraph 1

83. Paragraph 1 was adopted.

84. Mr. Fall took the Chair.

Paragraph 2

85. Mr. PILLAI proposed simplifying the second part of the last sentence, so as to read: "but regrets that inadequate information to answer...".

86. Mr. ABOUL-NASR, supported by Mr. SHAHI, said he was not convinced of the need to reproach the delegation for having failed to reply fully to the sometimes very numerous questions, asked by the Committee members.

87. Mr. de GOUTTES said he believed that the last sentence could be deleted.

88. Ms. JANUARY-BARDILL proposed that only the second part of the sentence should be deleted, emphasizing that the State party had none the less replied to certain questions.

89. Mr. RECHETOV supported the proposal of Ms. January-Bardill, although he pointed out that the representative of Nepal had evaded certain questions.

90. The CHAIRMAN took it that the members of the Committee as a whole were opposed to retaining the second sentence of the paragraph and therefore suggested its deletion.

91. It was so decided.

92. Paragraph 2, as amended, was adopted.

Paragraphs 3-5

93. Paragraphs 3-5 were adopted.

Paragraph 6

94. Mr. de GOUTTES proposed removal of the brackets containing the phrase "(i.e., the caste system)", as the caste system was a major problem in Nepal.

95. Paragraph 6, as amended, was adopted.

Paragraph 7

96. Mr. SHAHI stressed that a consistent approach should be adopted in drafting concluding observations; if Nepal were requested to withdraw its reservations to articles of the Convention, the same should apply to all States parties which had made reservations to the Convention.

97. Mr. RECHETOV shared the view of Mr. Shahi in that connection and added that, if the paragraph were to be retained, it would be preferable not to place it in first position under "Concerns and recommendations".

98. Mr. DIACONU pointed out that Nepal had made the reservations in question, which in his view were very restrictive, in 1976 in a historical context that was altogether different from the present context and that the State party should therefore reconsider them in the light of the developments in the situation. He was thus in favour of retaining the paragraph and saw no problem in placing it under the section entitled "Concerns and recommendations".

99. Mr. ABOUL-NASR, responding to Mr. Shahi's comment, stressed that the Committee was not requesting the State party to withdraw its reservations, since in accordance with article 20 of the Convention, it was perfectly entitled to make such reservations. Instead, it was merely making a recommendation to Nepal that it should consider withdrawing the reservations in question, which, in his view, was acceptable. He was therefore in favour of retaining the paragraph and proposed the use of an even more neutral form of wording, namely: "concern was expressed during the discussion..." instead of "the Committee remains concerned that...".

100. The CHAIRMAN, sharing the view of Mr. ABOUL-NASR, proposed that the paragraph should be redrafted to take into account the proposals which had just been made. It should then be inserted at the end of the section, before the paragraph concerning the provisions of article 14 of the Convention.

101. It was so decided.

102. Paragraph 7 was adopted, subject to the above-mentioned amendments.

Paragraph 8

103. Paragraph 8 was adopted.

Paragraph 9

104. Mr. PILLAI asked whether it was truly necessary to request States parties to provide disaggregated data on the population by age, sex, ethnic origin and so on.

105. Mr. LECHUGA HEVIA (Country Rapporteur) said that the Committee usually made such requests in order to have an idea of the extent of the discrimination to which individuals might be

subjected owing to their sex or ethnic origin. He considered it useful to continue making that request in regard to States parties.

106. The CHAIRMAN said that it was not easy for certain States to provide all such data and suggested that they should not be requested to do so. Accordingly, he proposed deletion of the last sentence of the paragraph.

107. It was so decided.

108. Paragraph 9, as amended, was adopted.

The meeting rose at 6.10 p.m.

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-seventh session

SUMMARY RECORD OF THE 1420th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 14 August 2000, at 10 a.m.

Chairman: Mr. SHERIFIS

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Fifteenth periodic report of the United Kingdom of Great Britain and Northern Ireland

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GE.00-43990 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Fifteenth periodic report of the United Kingdom of Great Britain and Northern Ireland (CERD/C/338/Add.12 (Part I), CERD/C/338/Add.12 (Part II) and HRI/CORE/1/Add.5/Rev.2)

1. At the invitation of the Chairman, Ms. Marshall, Mr. Maynard, Mr. Quaife, Ms. Clouder, Mr. Woodhouse, Mr. Steel, Ms. James, Mr. Fuller and Mr. Bentall (United Kingdom) took places at the Committee table.

2. Ms. MARSHALL (United Kingdom) said that her Government placed human rights and race relations at the centre of its agenda and the delegation in fact represented 23 government departments which were working together to promote racial equality in the United Kingdom and the Overseas Territories. She welcomed the presence of non-governmental organizations, (NGOs), who shared the Government's aims of race equality; 40 NGOs had been consulted in preparing the fifteenth report and her Government had successfully argued at the Council of Europe for NGO participation in the European conference to be held in October 2000 in preparation for the World Conference against Racism. The current situation in the United Kingdom was described in the extensive documentation which had been provided to the Committee members. Her oral presentation would focus on the legislative framework for mainstreaming racial equality in Government, immigration and asylum, and policing and racist crime.

3. Legislative changes in 1965, 1968 and 1976 had led to significant improvements in racial equality, although ethnic minorities, who comprised 6 per cent of the population, still only accounted for 4 per cent of disposable income. Legislation was being updated and the Government was determined that the public sector would lead the way in the promotion of racial equality. In March 2000 the Race Relations (Amendment) Bill had been introduced with a view to creating a society where there was respect for all and which celebrated its cultural richness and ethnic diversity. Moreover, achieving a successful multicultural society was an integral part of a competitive business strategy aimed at improving services, notably public services, to all customers, regardless of racial origin, and ensuring equality of access.

4. With the new legislation, law enforcement would for the first time be subject to race discrimination laws. It would place a duty on the public authorities to work towards the elimination of unlawful discrimination and the promotion of equality of opportunity and good relations between all racial groups. That was applicable throughout England, Scotland and Wales and, although devolution allowed local approaches to equality issues, the framework of law and protection afforded by the Convention remained consistent. A similar duty already existed in Northern Ireland. Bills banning racial discrimination would be introduced in Guernsey and Jersey later that year and in early 2001, respectively. As part of the effort to raise awareness of minority issues, the 2001 census would include questions on religion and ethnicity.

5. The United Kingdom already had extensive anti-discrimination legislation and had played an active role in the development of the Directive on equal treatment under Article 13 of the Treaty of Amsterdam, which for the first time provided for a common minimum standard of protection against discrimination across the European Union and was broadly modelled on the United Kingdom legislative example, including the requirement for an independent body similar to the Commission for Racial Equality (CRE). Implementation of the Directive would provide an opportunity to review and improve existing legislation. The Human Rights Act, incorporating the European Convention on Human Rights into British law, would come into effect in October 2000 and training programmes were under way to prepare the public authorities for implementation. The Government had undertaken to review the issue of individual petition under article 14 of the Convention once the Human Rights Act had come into force.

6. Mainstreaming of racial equality was a core issue and government spending would reflect its commitment to integrate racial equality into government operations; a forthcoming Service Delivery Agreement would reflect the service delivery needs of each department. The promotion of racial equality would be a priority in such key sectors as education, health and employment and there would be an annual report on "Race equality in public services", the first of which had been published in March 2000. Greater ethnic representation would also be encouraged in the police, fire, probation and prison services as well as the Home Office and a progress report including examples of good practice would be published in October 2000. Some examples of mainstreaming were: the central Government's "Connexions" support service for youth, in particular minority youth, new legislation on "Best Value" requiring local authorities to make continuous improvements in local services and an initiative by the National Health Service to meet ethnic minority health needs.

7. Turning to the issue of immigration and asylum, she recalled that 86 million people had visited the United Kingdom in 1999, 12 million of them from outside the European Economic Area. A 1998 survey showed that there were 1,039,000 foreign nationals working in the country and a net inward migration of 178,000. In 1999 some 71,160 asylum applications had been received, an increase of 55 per cent over 1998, and 102,870 asylum applications had been outstanding at the end of 1999. Acceptances for settlement had increased to 97,100. The number of asylum applications in spring 2000 had still been approximately 5,000 to 6,000. The United Kingdom remained attractive to migrants because it was seen as a tolerant and diverse society and had a long history of offering sanctuary in accordance with its international commitments. Public opinion remained sympathetic to persons truly at risk and was an important factor in countering the tone of some of the debate on asylum which could so easily fuel prejudice.

8. The Immigration and Asylum Act 1999 had reformed procedures in keeping with the Government's commitment to a "fairer, faster and firmer" approach and the Government had made a major investment for asylum support costs with a view to doubling the number of asylum decisions in 2000-2001 to 130,000. By March 2001 at least 70 per cent of applicants should receive an initial decision within two months and most appeals should also be determined within four months. The dispersal of asylum-seekers to accommodation outside London had been recognized as necessary by the principal refugee support organizations, which were working with the recently established National Asylum Support Service (NASS) to make that process as smooth as possible, although they still remained critical of some aspects of government policy.

Any criticism of accommodation had been swiftly acted upon, and new support arrangements, in the form of vouchers and a small weekly cash payment, had come into effect in April 2000 in response to key court decisions. While there had been incidents of racial harassment against newly settled minority communities, support groups were developing locally to provide practical help to the new arrivals.

9. The Government had also adopted a more proactive policy on the integration of refugees, such as the NASS "one-stop" approach to assist refugees or persons granted permission to stay in the United Kingdom in finding permanent accommodation and gaining access to welfare services. The Home Office would be launching a comprehensive integration strategy in October 2000 which would include employment, education and language training. Although effective immigration control systems must be retained while more positive policies were being studied in the context of demographic change and long-term migration policies across Europe, the Government welcomed a more wide-ranging debate which properly recognized the real benefits of legal migration.

10. In the area of policing and racist crime, she stressed the importance of the Stephen Lawrence Inquiry Report published in March 1999, with its definition of institutional racism. The public authorities' new duty, reflected in legislation, to promote racial equality was a response to the problem. An annual progress report was to be published on the implementation of the Home Secretary's Action Plan and the first report, published in February 2000, had shown that more than half of the Inquiry's 70 recommendations had been implemented, with progress in others. One priority was to increase trust and confidence between ethnic minorities and the police, especially the Metropolitan Police. A task force on racial and violent crimes had established that everyone benefited from antiracist policing. The officers in charge of policing the 32 boroughs of London were key agents of change in explaining new policies to other officers, and Community Safety Units in each borough were working to combat race and hate crimes at the local level. New minimum standards for the investigation of race/hate incidents and crimes by all police officers would ensure accountability from the very first police contact through to the end of the investigation. Much effort had also gone into training family liaison officers, in an effort to move towards policing for individual needs. Independent advisers were currently working with police officers in critical incident teams; there were currently 60 such advisers working at police headquarters and some 120 groups operating across the capital. The involvement of independent advisers encouraged community ownership of the work of the teams. As a result of concerted efforts in intelligence gathering, preventive measures, better reporting and greater openness and transparency, the number of racist crimes resolved had more than doubled between 1998-1999 and 1999-2000.

11. The issue of racist crime, and whether or not such crimes were on the increase was a complex one, although racist incidents and some racist crimes had certainly been underreported in the past. The police service was taking steps to ensure that officers took every incident seriously in order to increase the trust of the ethnic communities in the police and encourage more and better reporting. Communities were becoming less tolerant of racist crime and the police more sensitive to identifying it. The notion of racially aggravated offences had been introduced to draw attention to the racist elements in crime with the ultimate goal of developing the most comprehensive and open system of recording racist crime in Europe. The Government believed that the police currently had adequate powers to deal with racism. Extremist

organizations were not a significant part of the picture in the United Kingdom and the worst examples of race-hate violence in recent years, the Brixton and Soho nail bombs of 1999, had been perpetrated by a loner who was currently confined to a secure hospital.

12. While the elimination of racial discrimination would require time, much work was already under way and real progress had been made. Her Government was determined to build an inclusive society where everyone, without exception had a sense of belonging.

13. Mr. STEEL (United Kingdom) informed the Committee that the Overseas Territories Consultative Council had already met once and would meet again in October 2000 to discuss the protection of human rights, including measures against racial discrimination, which had also been discussed at the annual conference of Attorneys General of the Overseas Territories held earlier that year. A study had been commissioned on updating existing human rights provisions in the constitutions of certain Territories and on incorporating such provisions in the constitutions of the two Territories which did not currently have them; a report should be available by the end of 2000. The Government was also committed to opening up full British citizenship to the inhabitants of the Overseas Territories and it was hoped that a bill to that effect would be on the agenda of the next parliamentary session.

14. With regard to the internal affairs of the Overseas Territories, Anguilla, the British Virgin Islands, Gibraltar and the Turks and Caicos Islands were currently preparing legislation prohibiting racial discrimination and a law to that effect had entered into force in Montserrat on 1 January 2000.

15. In response to the Committee's request for more racial and ethnic data, Anguilla, the Falkland Islands (Malvinas), Gibraltar and St. Helena had agreed to request such data in their next censuses, Bermuda and the British Virgin Islands already did so and the Government of the United Kingdom would continue to press the Governments of the other Territories to follow suit. With regard to greater publicity for the reports and the Committee's concluding observations, practice in some Territories was often fairly perfunctory. The United Kingdom would encourage the authorities of the Territories to take measures to increase awareness of the Committee's work.

16. Mr. SHAHI (Country Rapporteur) commended the United Kingdom's regularity in submitting its reports and its preparation of the fifteenth report in consultation with a number of representatives of ethnic minorities. He noted that the Government had taken a firm position against racism and in particular that it had introduced new statutory offences for racial crime, set up a Unit dealing with the socially excluded and established a Race Relations Forum to give ethnic minorities a voice at the heart of the Government. However, the statistics indicated high numbers of racially motivated incidents; and ethnic minority victims reportedly felt that in practice the authorities failed to investigate crimes against them properly and that the police used excessive force in dealing with members of ethnic minorities.

17. He had been pleased to learn that half of the 70 recommendations of the Stephen Lawrence Inquiry Report had already been implemented; that the Government had restored planned cuts in assistance to the disadvantaged (report, part I, para. 6), although the

available funds were still not adequate; and that the Race Relations (Amendment) Bill 2000, strengthening and extending the scope of the 1976 Race Relations Act, was now before Parliament.

18. A point on which the United Kingdom and the Committee still disagreed was the need to incorporate the Convention into domestic legislation and to adopt a bill of rights espousing the principle of equality before the law and non-discrimination. The Committee had in the past recommended that the State party should consider thus giving full effect to the provisions of the Convention. The State party, on the other hand, maintained that an entrenched position for any anti-discrimination law was incompatible with the sovereignty and legislative power residing exclusively in the Parliament. Nevertheless, there had been precedents for incorporating international human rights instruments into British domestic law: the Children Act 1989 adopted to implement the Convention on the Rights of the Child, and especially the 1998 Human Rights Act, a major constitutional reform incorporating most of the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which would shortly come into effect in the United Kingdom. He would like clarification as to which body would implement the Human Rights Act. Incorporation of the International Convention on the Elimination of All Forms of Racial Discrimination would mark another major step in constitutional reform.

19. With regard to article 1 of the Convention and the 1976 Race Relations Act, it would be helpful to have a fuller list of the social areas in which racial discrimination was currently prohibited by law. Even though the Race Relations (Amendment) Bill 2000 apparently would now cover the police, as Scottish law always had, it made an exception allowing for decisions on immigration and asylum and nationality determination to be made on grounds of ethnic or national origin. Further comment would be appreciated for - as the Committee's General Recommendation XIV, para. 2, indicated - such differentiated treatment might violate the Convention if it had a disproportionate impact on a particular group of persons.

20. With regard to article 2 of the Convention, he noted that positive discrimination was illegal in the United Kingdom, except for training designed to improve employment opportunities for ethnic minorities, among which the Roma were categorized, as they were under comparable Irish law. Also, given the progress of the peace process in Ireland, he wondered whether the provision of the Race Relations (Northern Ireland) Order 1997, that exempted public order and safety from the general prohibition of racism, was still considered necessary. In any case, the recently established independent Northern Ireland Human Rights Commission (report, part I, para. 25) was a welcome development. He had also been pleased to learn from the delegation that the Channel Islands would now also be covered by the legislation against racial discrimination.

21. It would be interesting to hear more about the policies and programmes carried out by the Social Exclusion Unit (report, part I, paras. 34-37) to rehabilitate the inner city areas, where the majority of the ethnic minority communities lived and where they reportedly continued to experience significant de facto discrimination.

22. The report gave no information under article 3 of the Convention and failed to take account of the Committee's General Recommendation XIX relating to forms of ethnic

segregation in housing and education, or to provide information on any steps taken to prevent school segregation since the previous report. Increasingly, segregated communities seemed to be the pattern in Northern Ireland as a result of the years of intercommunal violence.

23. With regard to article 4 of the Convention, the reforms under the Crime and Disorder Act 1998 (report, part I, paras. 22 and 51) were welcome, but they still fell short of the requirements of the Convention. In its concluding observations on the previous report, the Committee had urged the Government to consider legal prohibition of organizations that promoted or incited to racial discrimination, and to make participation in such organizations an offence. The Government, however, maintained its interpretation of article 4 (report, part I, paras. 47-50). The United Kingdom interpretation of freedom of speech and association unfortunately tilted the balance so heavily in favour of racist groups as to nullify the mandatory provisions of article 4 (b) when, for instance, far-right groups such as the British National Party and Combat 18 openly advocated violence against Blacks, Asians or Jews, as reported by Human Rights Watch/Helsinki. It was noteworthy that, while the United Kingdom Government contended that its existing laws struck the right balance between freedom of speech and protection from abuse and insult, the Northern Ireland Government had limited freedom of association and made membership in racist organizations punishable by law, in the interests of preventing racial violence.

24. The spread of racist propaganda on the Internet, was however, a cause of concern to the United Kingdom Government (report, part I, paras. 56-58): it was considered illegal and providers of such material were liable to prosecution. As stated in a recent report of the European Commission against Racism and Intolerance (ECRI), the solutions to that problem must be sought by all Council of Europe member States on both a national and an international basis. The United Kingdom had also made the circulation of material denying the Holocaust, if intended or likely to stir up racial hatred, punishable under its law (report, part I, para. 60) If indeed, the Government amended its legislation to allow prosecution of offences involving racist language or behaviour (report, part I, para. 52) that would no doubt strengthen its anti-racist criminal law. However, the contemplated legislation would still fall short of compliance with article 4 (a) and would not comply at all with article 4 (b): again, reference should be made to the Committee's concluding observations on the previous United Kingdom report and to its General Recommendation XIV.

25. With reference to article 5 (a) of the Convention, he wondered if the ethnic monitoring that was compulsory in all police force areas (report, part I, para. 65) had made it possible to ascertain whether Blacks were imprisoned more often than, for instance, Whites or Asians. According to various NGOs, police malpractice affecting ethnic minorities disproportionately was still a problem. The Stephen Lawrence Inquiry Report had recommended that each use of police stop-and-search powers should be officially recorded, and it was gratifying to note the Government's commitment to implementing those recommendations, although the possibility of a police backlash needed to be addressed. On the serious issue of deaths in custody (report, part I, paras. 71-77), again affecting minority prisoners disproportionately, the United Kingdom should consider the establishment of an independent inquiry in each case, as recommended by ECRI. In Northern Ireland, the newly established Police Ombudsman would apparently be able to investigate complaints against the police and would be obliged to do so in the case of a death in police custody.

26. He welcomed the measures taken to provide training to judicial officials in racial and multicultural issues (report, part I, paras. 90-94); the establishment of a Community Legal Service providing legal information and assistance (paras. 96-97); the radical reform of the legal aid system (para. 98); and the fact that, except at the High Court level, ethnic minorities seemed to be well represented in the legal profession (paras. 101 et seq.). Targets established for the recruitment of ethnic minorities at all levels in the prison service should help remedy the problem of inadequately trained prison staff.

27. Under article 5 (b), he welcomed the legal measures outlined in the report (paras. 116-117), but asked for more information on the services provided by the Racist Incidents Standing Committee (para. 121). It was a matter of grave concern that the number of reported racist incidents had risen annually since 1989 in Britain (para. 125). Crimes of violence against women, though generally the least reported, were, together with sexual harassment, apparently actively prosecuted.

28. Particularly disturbing were reports by, inter alia, Amnesty International, Human RightsWatch/Helsinki and the United States Department of State, of cases of racially motivated violence, including murders, excessive use of force by police officers, deaths in police custody and maltreatment of prisoners, and of failure by the Government to conduct adequate investigations and to bring and pursue charges and take disciplinary action against police officers and prison military personnel involved in such acts. Citing some of those cases, he said that the Committee against Torture had likewise expressed concern over the number of deaths in police custody and the Government's failure to provide effective investigative mechanisms. NGOs had recommended that legal aid should be provided for the families of victims of deaths in custody attending inquests. Many of the reports of abuses concerned Northern Ireland. In his 1997 report, the United Nations Special Rapporteur on the independence of judges and lawyers had concluded that police officers of the Royal Ulster Constabulary (RUC) had engaged in intimidation, harassment and hindrance of lawyers, and had recommended an inquiry into such practices. The murder of the human rights lawyer Rosemary Nelson and of the defence counsel Partick Finacune had likewise given rise to calls for independent investigations. More information should be provided on the review of policing and the criminal justice system which had taken place in 1999, and on the attempts to increase the number of Catholic officers, who represented only 9 per cent of the force. He noted that one notorious detention and interrogation centre had been closed at the end of 1999 but two other centres remained open. In general, further information was needed on the cases cited, and on the outcome of pending cases.

29. With reference to police complaints, he asked whether the feasibility study recommended by the Stephen Lawrence Inquiry to give greater independence and openness to the existing complaints system had been completed and what action had been taken to restore greater confidence in the police among ethnic minority communities.

30. On the subject of political rights, he noted that the right to vote was restricted to British, Commonwealth and Irish citizens, along with citizens of the European Union, who were allowed to vote in European Parliamentary elections and local elections, that only 9 of the 659 Members of Parliament (MPs) in the House of Commons came from minority groups, and that

only 3.1 per cent of local authority councillors were from ethnic minorities, a vastly under-represented group. Information should be provided on the representation of minority ethnic communities in the Scottish Parliament.

31. He noted the increase in minority representation in the Civil Service as a result of a number of administrative measures taken by the Government and the Government's recognition of the need to improve such representation in the more senior parts of the Service. When implemented, the Home Secretary's employment targets for the numbers of persons from ethnic minorities to be employed in different grades in the Home Office and the police, prison and fire services would constitute a major reform towards eradicating racism and sexism in the services concerned, although he observed that the criteria for representation were very demanding. Minorities groups advocated separate targets to be set for the Asian and black communities so as to ensure the fair distribution of jobs. Ethnic minorities were also under-represented in the armed forces, constituting only about 1 per cent of all personnel, although recruitment goals and action by the Commission for Racial Equality (CRE) and the Ministry of Defence to promote racial equality in the armed forces and to eliminate racial discrimination and harassment were commendable. In the police force, Human Rights Watch reported that in 1995 only 1.7 per cent of officers had come from the Black community, including eight chief inspectors and only one superintendent, that in the Metropolitan Police Service, 3.9 per cent of officers came from ethnic minorities, that officers from minority groups suffered discrimination in terms of job promotion, and that officers from ethnic minorities had been leaving the police force. The proposals made in the Home Secretary's Action Plan to improve the recruitment and retention of officers from such backgrounds represented an important step forward.

32. With regard to immigration, nationality and freedom of movement, the Human Rights Committee had expressed concern over the treatment of illegal immigrants, asylum-seekers and those ordered to be deported, in particular owing to the length of their detention. According to a United States Department of State report there was no time limit to the period for which asylum-seekers could be detained, nor was it possible for decisions to be reviewed by a court at any given time. Grave concern had also been expressed at the use of excessive force in the execution of deportation orders. The Human Rights Committee had stated that adequate legal representation was not available to asylum-seekers effectively to challenge administrative decisions. Similar reports of discrimination by immigration officers at border points and in other areas had been reported.

33. The Immigration and Asylum Bill which was now before Parliament, established a new framework separate from the normal benefits system. In a joint memorandum, NGOs had recommended the restoration of cash benefits for asylum-seekers, since the voucher system currently in place stigmatized the people it was designed to assist. Although the measures taken were welcome, the overall impact of the Act could, according to the Amnesty International Report 2000, be severely detrimental to refugee rights, for example in relation to the extension of pre-entry controls, the need for effective judicial oversight, the detention of asylum-seekers and the need to secure access to high quality legal advice in the case of persons dispersed around the United Kingdom. Of similar concern was the backlog in asylum applications, which currently stood at around 102,000. He noted that, at the European Conference on Asylum held in Lisbon,

the Home Secretary had sought agreement on a list of safe countries from which applications would not generally be considered. The large numbers of asylum-seekers appeared to be the regrettable result of manipulation of illegal immigrants by professional traffickers.

34. With regard to legislation against religious discrimination, most attacks against Muslims had a racial element and were therefore covered by the Crime and Disorder Act of 1998. Under the European Convention on Human Rights, religious discrimination was unlawful. The Human Rights Act, which would come into force in October 2000, would provide a measure of protection against discrimination on the grounds of religion, but there was a continuing need for more specific legislation That idea was supported by the Runnymede Trust Commission, which had suggested in 1997 that in view of widespread Islamophobia there was ample evidence to justify legal reform. That contrasted with the statement in the fourteenth periodic report of the United Kingdom that cases in which religion might have been a factor in discrimination were very rare. The CRE itself had expressed concern at the limited protection provided against such discrimination and had recommended legislation. The Committee would be interested in learning more about the research undertaken into the nature and extent of religious discrimination in the United Kingdom.

35. Unemployment rates were generally much higher amongst ethnic minority groups than among the white population. Equally worrying was the small number of proven cases of discrimination in employment and the inadequacy of judgements handed down by industrial tribunals.

36. Although the United Kingdom had ratified International Labour Organization (ILO) Convention on Migration for Employment (Revised) (No 97, 1949) access to income support, housing and tax benefits had been restricted for certain immigrants. Any tests conducted for determining eligibility for social security benefits taking into account such factors as nationality, race and religion were clearly inappropriate; more information would be welcome on that matter.

37. With reference to cultural activities, the British Sikh Federation had called for non-discrimination towards non-Christian religions in the programmes broadcast by the British Broadcasting Corporation (BBC), as well as for more time for broadcasting in Punjabi, which was spoken by a high percentage of Asians living in the United Kingdom. The Federation considered that the BBC showed more negative images of non-Christian Asians than of Christian Asians.

38. The Government had concluded that the time was not right to make the declaration under article 14 of the Convention, since the complaints procedures in question would detract from work undertaken to implement the Human Rights Act and had stated that it would reconsider the issue once the Act had come into force. It had also been stated previously that the overall effect of the various remedies available within the United Kingdom, including through the right of individual petition under the European Convention on Human Rights, was already considerable. However, the provisions of the European Convention were weak in relation to the prohibition of racial discrimination. Consequently, the Government should both ratify and incorporate into domestic law draft Protocol 12 to the European Convention, which provided for free-standing protection from discrimination by public authorities.

39. In conclusion, he said that there were good grounds for asserting that the United Kingdom had done much to combat racial discrimination, but much remained to be done. That was particularly true in certain areas, such as racial attacks and harassment, immigration and asylum policy, education and employment, and the participation of ethnic minorities in public life. The Committee's experience had shown that the task of eliminating racial discrimination was much more complicated than prohibiting the dissemination of ideas of racial superiority and bringing an end to colonialism had proved to be. The report of the United Kingdom offered an opportunity for reflection on why that was so. If the United Kingdom had strived so hard and managed to achieve so little, it could well be asked what the implications were for less developed countries.

40. Ms. McDOUGALL said that the importance of the Convention lay in the fact that Governments were required not only to restrain racial discrimination and carry out such affirmative duties as reviewing legislation, but also to encourage a sense of tolerance and of the special benefits offered to society by a diverse community. Although a number of important individual strategies appeared to exist, the necessary comprehensive benchmarks had apparently not been put in place and it was important to ascertain how leadership was manifested in the highest sectors of Government in preventing the spread of an increasingly dangerous climate of intolerance, observable in other European countries as well. It was essential to maintain a focus on the large number of different communities living in the United Kingdom. The Committee was concerned about the situation of new immigrant communities and Travellers and about how differences in Northern Ireland could be seen as racial, but it also had concerns about established immigrant groups. Even though they had lived in the United Kingdom for generations, those groups were still not treated as fully fledged citizens and as equals in the enjoyment of economic, social, cultural and political rights.

41. Of similar importance was the issue of racial and ethnic stereotyping. It should be made clear what action had been taken in the private sector to put an end to such stereotyping, to what extent the Government saw that as part of its obligations, and what link had been established between stereotyping and the upsurge in racial violence.

42. The criminal justice system was a further subject of concern. There were two sides to the issue. Firstly, it was necessary to determine to what extent law enforcement agencies were - and were seen to be - defending the rights of various racial groups, and to what degree those efforts put a stop to violence. Secondly, did the law enforcement agencies act as "shock troops" against minority communities? The policy of stop and search gave rise to concern in terms of the disproportionate number of ethnic minorities affected. Any contact between law enforcement agencies, including police and immigration officers, and those minorities led to the possibility of abuse of office. Moreover, the procedure did not fully take into account the vulnerability of minority communities. More information should be provided in that regard.

43. By extension, the question of accountability should also be clarified. Paragraph 135 of the report stated that in 1997-1998 there had been 18,354 specific complaints, resulting in a total of 237 formal disciplinary charges. What was the reason for the discrepancy between the two figures? Was there a general perception that complaints were not fully investigated? It should

be made clear how the Government intended to deal with a backlash within the police force following the Macpherson Report. In general terms, was proper action taken against police officers found to be in breach of the procedures governing the investigation of racist crimes?

44. In cases of investigation of serious charges of physical abuse, it was necessary to ascertain whether the officers concerned were suspended immediately pending a final outcome. Likewise, information was needed on how many of the complaints made and resulting disciplinary charges were well founded, and on the nature of the disciplinary measures taken. Did those measures send an appropriate message to the community in terms of restoring public confidence in the police?

45. The Committee should be informed about the conclusions of the feasibility study concerning police complaints and whether any changes had been implemented as a result. She asked whether the Police Complaints Authority was a kind of civilian review board and to what extent its representatives were connected to the Government, given the difficulty of generating real independence within such institutions.

46. It was important to define the concept of institutional racism and to provide details of the measures taken to tackle that phenomenon. Reference had been made to specific measures designed to increase the number of people from ethnic minorities employed in different ministries. Those minorities must be represented effectively at all levels, not just at the lower end of the spectrum as was currently the case. How did the Government articulate its aims in that regard and what additional steps had it taken, for example through the provision of on-the-job training for members of ethnic minorities? In general terms, it was important to consider institutional culture and to determine to what extent institutions were willing to embrace the benefits and impact of diversity on their working methods. If there was not the will to do so, a revolving-door effect would be created where minorities quickly became disenchanted and left the services to which they had been recruited. How did the Government view its responsibilities in relation to private sector discrimination and what measures had been taken to address the problem?

47. Mr. VALENCIA RODRIGUEZ said that the comprehensive periodic report commendably addressed the concerns expressed in the Committee's previous concluding observations. The persistence of discriminatory attitudes - as clearly demonstrated in Annex N - and practices was a matter of concern. He requested further information on action taken to follow up the recommendations contained in the Judicial Inquiry Report drawn up in the wake of the murder of Stephen Lawrence, and particularly on the results of such action. The periodic report stated that positive discrimination was not legal in the United Kingdom. The Government should be invited to review that question in the light of article 2.2 of the Convention and the need for special measures to improve the social and economic situation of many of the country's numerous minority communities. One solution might be to strengthen the Social Exclusion Unit.

48. The Government had reiterated its position with regard to article 4 of the Convention. However, recommendation 39 of the Inquiry Report had rightly pointed to the need to amend the law to allow for the prosecution of racist language or conduct. It was indeed necessary to strike a balance between freedom of speech and protection of citizens, and article 4 was to be interpreted in that light.

49. The State party was to be commended for taking action against the use of the Internet for racist purposes. The Internet Watch Foundation played a vital role in that effort, and would serve as a model for similar actions in other countries. The police had an important role in reporting and investigating racist incidents, as defined in paragraph 123 of the periodic report. It was regrettable that minority groups were still so under-represented in Government, the military, the police and the civil service, particularly in senior positions, despite recognition of the need to promote their participation. It should be made clear that discriminatory criteria based on racial, ethnic or national origin should have no place in immigration and asylum policies. Steps should be taken to ensure that the proposals contained in the relevant Government White Paper were fully implemented.

50. The Government should maintain its contacts with local authorities and develop them further with NGOs, local communities and the private sector so as to defend the economic, social and cultural rights of minorities. The establishment of Training and Enterprise Councils was one of a number of interesting measures aimed at combating the worryingly high unemployment rates among minorities, and the Government should keep the Committee informed of the results of such measures. Discrimination in employment remained a problem; the courts had a crucial role to play in that regard. Incentives should be provided to the registered social landlords in England to help ensure that the need for adequate housing for minorities was met. Certain groups were not only marginalized owing to their ethnic background, but also for economic reasons; hence the need for adequate measures to improve their economic situation.

51. The Government had, with regard to Gypsy/Travellers, merely called upon the local authorities to tolerate short stays, which left much to their discretion. It would be preferable for it to issue more precise, generally applicable and binding instructions on that sensitive question. Certain minorities such as Roma, African and Caribbean groups had extremely low school enrolment rates. The State party should take action to tackle that question and should inform the Committee of any results achieved.

52. Mr. DIACONU asked why the Commission for Racial Equality, when proposing an amendment to the Race Relations Act, had limited itself to addressing discrimination only by public bodies. Were private entities covered by that law as well and, if so, was there a risk that such an amendment would have the effect of weakening protection against discrimination by private entities? The Crime and Disorder Act included a test to determine whether there was racial motivation or any aggravating evidence of racial hostility in connection with an offence. If that meant that it was necessary to prove a racist intention on the part of the perpetrator, such proof would in some cases be difficult to adduce. He invited comment on the concern expressed by some NGOs that the Crime and Disorder Act did not apply to Northern Ireland, and that less protection would thus be afforded to minorities there.

53. It had taken four years to set up an inquiry into the murder of Stephen Lawrence, and the subsequent Inquiry Report had found that there was a pattern of institutionalized racism. Clearly there was a need to draw the line between the need to combat crime and the State's obligation to uphold the rights of minorities.

54. The United Kingdom's statement with regard to article 4 did not appear to be a mere interpretation, but rather a reservation concerning the questions of when and how to introduce

legislation to give effect to the Convention. While it was the State party's sovereign right to issue reservations, it was only fitting for the Committee to express its regret and to insist that the Government should accept all the obligations under article 4. In actual fact, the United Kingdom had adopted far-reaching legislation which often went beyond the obligations under that article.

55. The Committee would be very interested in the results of the Government's research into the rise in the number of reported racist incidents, so as to ascertain whether it reflected an upsurge of such cases or increasing confidence in the police. It was commendable that, for the purpose of registering racial incidents, the definition of such incidents included those in which the victim perceived there to be racist motivation.

56. While the Roma were considered a racial group and nomadism was recognized by law as a legitimate way of life, according to NGOs only 30 per cent of the Roma in the United Kingdom were Travellers. The periodic report offered no information on the economic and social situation of the other 70 per cent. It referred to school exclusions but did not specify whether the problem was attributable to a high drop-out rate or other factors, such as exclusion by the school administration. What countermeasures had the Government taken?

57. Could the delegation offer any commentary on concern expressed by an NGO that the devolution of power to Northern Ireland, Scotland and Wales would have a negative impact on the political representation of minorities in local bodies? Lastly, certain Territories administered by the United Kingdom, including Guernsey, Montserrat and the Virgin Islands, apparently lacked legislation prohibiting discrimination by private entities. The Government should convince the authorities of those Territories of the need to adopt the appropriate legislation.

58. Mr. de GOUTTES said that it was of great interest to hear about the situation in a country which had a specific policy and approach to the problem of racial discrimination. While the periodic report contained information on a very large number of positive measures taken to combat racial discrimination, it also revealed a number of subjects of concern. For example, the Committee and the Government had diverging views on the implementation of article 4 of the Convention. The Government contended that domestic law struck the right balance between freedom of expression and the need to incriminate racist acts. However, its policies in that regard were not in conformity with the Committee's General Recommendation XV. It was difficult to understand the logic behind the assertion that, if the United Kingdom were to make the declaration under article 14 of the Convention, the complaints procedure would detract from the work to implement the Human Rights Act, but it was reassuring that the Government had left the question open and would reconsider it once the Act entered into force in October 2000.

59. Although a large number of measures and initiatives had been taken, they had apparently not been very effective. Minorities were still very much under-represented in the civil service, the military and the police. While the Roma were recognized as a minority, Roma asylum-seekers from Eastern European countries had been subjected to harassment, intimidation, ill-treatment and acts of discrimination by local residents and the police. Many of the anti-racism measures recommended in the Stephen Lawrence Inquiry Report had apparently not been implemented. Two of those recommendations were particularly worthy of note: the proposal to ensure that a record was made of all "stops" and "stops and searches", including

voluntary stops, and a record given to the person in question; and the possible use of electronic monitoring of prisoners' breathing and heart-rates, with a view to alerting custody officers if vital signs reached a warning threshold. Had either of those measures been followed up?

60. The high number of deaths in custody was of serious concern. Amnesty International had reported that attacks against minorities were widespread and the attitude of the police when dealing with such attacks was often problematic. A number of NGOs had proposed the establishment of an independent authority to investigate complaints of mistreatment by the police and the prison service. What was the Government's position in that regard? NGOs had also furnished much information on the treatment of asylum-seekers. According to Amnesty International, the Asylum and Immigration Act adopted in November 1999 could restrict the rights of refugees inter alia to quality legal counsel and to judicial review of detention, although it contained a number of otherwise very positive provisions. He invited the delegation to comment on those assertions.

61. Some positive measures had been taken to combat antisocial behaviour, including racial harassment, in council-run housing estates, but he wondered whether there was not a risk that such measures might be used to ill effect, for example to evict minority tenants on spurious grounds. Lastly, he asked to what extent minority groups or associations had been involved in the drafting of the periodic report, in accordance with the Committee's General Recommendation XVII.

The meeting rose at 1 p.m.